

Appropriation (Continuation of Interim Meaning of Parliamentary Expenditure) Bill

15 October 2007

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:
APPROPRIATION (CONTINUATION OF INTERIM MEANING OF PARLIAMENTARY
EXPENDITURE) BILL

1. We have considered whether the Appropriation (Continuation of Interim Meaning of Parliamentary Expenditure) Bill (PCO 8261/8) (the Bill) is consistent with the New Zealand Bill of Rights Act 1990 (Bill of Rights Act). We understand that this Bill is likely to be considered by the Cabinet Business Committee at its meeting on Monday, 15 October 2007.
2. The Bill continues the interim definition of the term "funding entitlements for parliamentary purposes". The definition would apply until the Act expires on 30 June 2009. The Bill makes it clear that funding is not available for the purposes of "electioneering". "Electioneering" covers any communication that explicitly:
 - seeks support for the election of a particular person or people; or
 - seeks support for the casting of a party vote for a particular political party or political parties; or
 - encourages any person to become a member of a particular political party or political parties; or
 - solicits subscriptions or other financial support.
3. The intention of the Bill appears to be to clarify that the Vote Parliamentary Services appropriations provide for expenses incurred by members of Parliament in their capacity as members, but not for expenses incurred by members in their capacity as candidates for election.
4. We note that the relationship between the definition of "electioneering" in this Bill and future electoral activity or advertising, and its effect on the right to freedom of expression, is dependent on the outcome of legislation that is currently before the House of Representatives. We do not, however, consider that an issue with section 14 of the Bill of Rights Act (right to freedom of expression) arises on the face of this Bill.
5. We have concluded that the Bill does not appear to be inconsistent with the rights and freedoms affirmed by the New Zealand Bill of Rights Act 1990.

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